

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th April, 2011.

Cathaoirleach: Cllr. C. Connery

Councillors: Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, J. Coonan, M. Fitzpatrick, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, B. Manning, M. Doran, W. Ireland, T. Maher, P. Crowley, P. O' Neill, T. Prendergast, M. O' Brien, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty.

In attendance: J. Crockett County Manager, J. Mulholland, P. O' Neill and J. McCormack Directors of Services, J. Dempsey Head of Finance, S. Walton Senior Engineer, D. Malone Senior Planner, Margaret Newport Senior Social Worker, C. Reilly and C. Kelly Executive Planners,

At the outset of the meeting the Cathaoirleach offered congratulations to a number of individuals and successful sports teams. She noted the announcement by Cartoon Saloon of the creation of 30 jobs in Kilkenny and expressed satisfaction at the signing of contracts for the Tullaroan Sewerage Scheme.

Votes of Sympathy were sent to the following:-

- Sheila Donnelly who is a community leader in Newpark Close on the death of her husband Seamus Donnelly an employee of Kilkenny Borough Council.
- Eileen Lanigan who works in the Fire Station on the death of her mother Mrs. Nellie Maher, Kilmanagh.
- The Family of Eamon Hennessy, Glendine, Kilkenny
- Joe Delahunty, Aglish, Carrigeen, Via Waterford on the death of his uncle Willie Delahunty.
- Mary & Dixie Donnell, Slieverue, Co. Kilkenny on the death of Nicola Connell.
- Joe Hurley, Chatsworth, Clogh, Castlecomer, Co. Kilkenny on the death of James Bob Hurley.
- Ann O' Neill, Chatsworth, Clogh, Castlecomer, Co. Kilkenny on the death of John Comerford.

Cllr. Maurice Shortall proposed a vote of sympathy to the family of the late Peadar Madden, Kilkenny Road, Castlecomer who had been principal of Castlecomer Vocational School for 30 years up to the time of his retirement.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 21st of March 2011 Proposed by Cllr. M. Doran, Seconded by Cllr. M. Brett and resolved:- “That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 21st of March, 2011 as circulated with the agenda be and are hereby approved”.
- (b) Minutes of Forward Planning & Development Strategic Policy Committee Meeting held on 25th November, 2010 Proposed by Cllr. M. Noonan, Seconded by Cllr. M. Shortall and resolved:- “That the minutes of Forward Planning & Development Strategic Policy Committee Meeting held on 25th November, 2010 as circulated with the agenda be and are hereby approved”.
- (c) Minutes of Kilkenny Electoral Area Meeting held on 1st March, 2011 Proposed by Cllr. J. Coonan, Seconded by Cllr. M. Brett and resolved:- “That minutes of the Kilkenny Electoral Area Meeting held on 1st March, 2011 as circulated with the agenda be and are hereby approved”.
- (d) Minutes of Thomastown Electoral Area Meeting held on 8th March, 2011 Proposed by Cllr. P. O’ Neill, Seconded by Cllr. M. O’ Brien and resolved:- “That the minutes of Thomastown Electoral Area Meeting held on 8th March, 2011 copy of which had been circulated with the agenda be and are hereby approved”.
- (e) Minutes of SPC 5 Meeting Arts, Culture, Heritage, Tourism and Education Meeting held on 16th March, 2011 Proposed by Cllr. P. Cuddihy, Seconded by Cllr. P. Millea and resolved:- “That the minutes of SPC 5 Meeting held on 16th March, 2011 copy of which had been circulated with the agenda be and are hereby approved”.
- (f) Minutes of Strategic Policy Committee No. 2 – Infrastructure, Transportation, Water Services & Other Policy Issues Meeting held on 25th March, 2011. Proposed by Cllr. M. Doran, Seconded by Cllr. P. Millea and resolved: - “That the minutes of SPC 2 as circulated with the Agenda be and are hereby approved”.

2. Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.

The Cathaoirleach informed the meeting that the visit of the Minister for the Environment, would take place at 3.00p.m. Accordingly, it was agreed at this juncture to move directly on to item 2(b)

(b) Roads – Bóithre

Road Safety – Mid Term Review of the Kilkenny Road Safety Plan 2007-2012.

Introducing this item John Mulholland Director of Services informed the meeting that this item was a midterm review of the Kilkenny Road Safety Plan 2007-2012 which was launched in 2007. He noted that the plan sets out key objectives to be delivered during this life span, the most salient being a 25% reduction in fatal and serious injuries sustained as a result of road crashes in County Kilkenny. He drew member’s attention to the appendices attached to the report which gave statistics on the breakdown of the fatal/serious injury accident over various time periods before and after the carrying out of works under this plan.

This was followed by a presentation by Simon Walton Senior Engineer which outlined:-

- Key provisions of Kilkenny Road Safety Plan 2007-2012
- A review of these key provisions
- The various measures taken to enhance road safety under the plan.
- A number of suggested priorities for 2011-2012

In conclusion Mr. Walton provided statistics confirming that Kilkenny County Council had achieved their stated objective of achieving 25% decrease in fatal and serious injuries by the end of 2009.

Following the presentation the Cathaoirleach thanked Mr. Walton and there were a number of comments and queries on the presentation.

Contributions: - Cllrs. P. O' Neill, M. Shortall, T. Breathnach and M.H. Cavanagh.

As it was now after 3.00 the meeting reverted to the previous item.

(a) Corporate Affairs - Gnóthaí Corparáideacha

Address by Minister Phil Hogan.

Representatives from all party groupings joined with the Cathaoirleach in welcoming Minister Hogan to Kilkenny County Council. Members contributing congratulated Minister Hogan on his elevation to Senior Government Office. All members contributing noted Minister Hogan's years of service at local and national politics.

Contributors pointed to his record at local level since becoming a County Councillor in 1982. This included 2 terms as Cathaoirleach.

Contributors also praised his long years of service to the people of Carlow/Kilkenny initially as a Senator and then as a TD for Carlow/Kilkenny since 1989.

Responding to the welcome, Minister Hogan thanked members and stated his pride in returning to this Chamber which he had departed in 2003. He noted the friendships and good working relations with members from all sides of the house, some who would have served with his father the late Cllr. Tom Hogan. He also noted the abilities and contributions of former Councillors who had served over the years and officials he had worked in co-operation with. He was confident that during his term as Minister for Environment, Community and Local Government he would continue to work with the members and officials of Kilkenny County Council to meet the challenges ahead.

Contributions Cllrs. C. Connery, M. H. Cavanagh, P. Millea, M. O' Brien, M. Noonan and P. Crowley.

At this juncture a number of questions were put to the Minister from the various Chairs of the Strategic Policy Committees.

On behalf of SPC 1 the Chair of that SPC Cllr. Maurice Shortall raised the following issues:-

- Unfinished housing estates
- Conservation Structures at risk and derelict sites
- Regional Strategies

On behalf of the Arts, Culture and Heritage SPC the Chair of the SPC Cllr. John Brennan raised the following issues:-

- The Strategic Importance of heritage for Kilkenny.
- Proposal for a new city library
- Kilkenny as a tourism destination.

On behalf of the Housing SPC the Chairperson of the SPC Cllr. Marie Fitzpatrick raised the following issues:-

- Difficulties in generating interest in the new leasing initiative
- Housing grants and retrofitting
- A request that the Capital Assistance Scheme in respect of voluntary housing remains in place.

On behalf of the Water & Roads SPC the Chair of that SPC Cllr. Pat Millea raised the following issues:-

- A request for the Minister to consider some form of funding arrangement which would enable Kilkenny County Council to proceed with essential projects under the Water Services Investment Programme.
- A request for flexibility from the Department of Transport in its allocation of road grants to us to address the needs of regional and local roads in the area.
- A request that a new programme of small capital transport schemes be continued in the interest of road safety and local economic development.

On behalf of the Environmental SPC the Chair of that SPC Cllr. Paul Cuddihy raised the following issues:-

- A request for the continued funding of the River Basin Regional Office
- The introduction of a grant to assist householders in modernising their onsite waste water treatment systems.
- The development of a litter management strategy.

The Minister noted the queries from the members. With regard to specific projects he informed the meeting that a decision would be made on the plans for

the redevelopment of Evan's Home in the near future. He also stated that he was hopeful that the proposed new City Library project could be advanced in 2011.

He noted the concerns of members regarding the Social Housing Leasing Scheme. He further noted the concerns expressed by members regarding the funding requirement for the upgrade and building of Waste and Waste Water Treatment Plants which is reflected nationally. The Minister stated that a programme of work would be initiated which will seek to address the problem of septic tanks. He also informed the meeting that between now and September the Government will be implementing a new set of measures to deal with litter management.

Following the Ministers response to the matters raised, the Cathaoirleach made a presentation to Minister Hogan and again on behalf of the members of Kilkenny County Council congratulated him and thanked him for his attendance at this meeting.

Before moving onto the next item Cllr. P. Millea raised an issue which had been discussed that day in the national media. In reply to Cllr. Millea's query, Philip O' Neill Director of Services confirmed that where litter or rubbish is visible from the public road the onus under law for disposing of same is with the landowner. Where reports are made of rubbish or litter being dumped, it is incumbent on the local authority to investigate. However, Kilkenny County Council has always adopted a policy where possible of working with the landowner rather than imposing sanctions. He confirmed that discussions on this issue had taken place during a recent meeting with the local executive of the IFA and he reassured members that this local authority's policy of working with landowners regarding this issue would continue into the future. Members contributing thanked Mr. O' Neill for his clarification.

Contributions Cllrs. P. Millea, T. Maher and F. Doherty.

(c) Finance- Airgeadas

Update on the Watershed's operation – Presentation by Dermot Gaynor.

The Manager of the Watershed Mr. Dermot Gaynor made a presentation to members updating them as to the operation of the Watershed over the past year. This was a follow up to his presentation which he initially made to members in January 2010. Amongst the major points of the presentation were the following:-

- A high level of usage and mix of users in the facility.
- Operational self sufficiency with breakeven over the last 3 of 4 months in 2010 and a small surplus generated as per January and February 2011 Management Accounts.

- A rigorous cost management programme with an ongoing development of new business is in place.
- The white flag standard was achieved in 2010.
- Ongoing growth in business with statistics given of participation and various initiatives and partnerships.

The Cathaoirleach thanked Mr. Gaynor for his presentation and members contributing all stated their satisfaction of the operation of the facility and its contribution to the city and county of Kilkenny.

In response to questions from the members Mr. Gaynor informed the meeting that the population based in Kilkenny was just enough to make the facility sustainable. He outlined the details of the GP exercise referral programme. He confirmed that minor issues relating to traffic in the area and the public address system were now under control. He informed the meeting that there was a good geographical usage of the facility from all over the County. With regard to a query regarding energy costs, he confirmed the facility by its nature incurred high energy costs. However, a sustainable energy audit had been carried out last year. He confirmed that promotional information regarding the Watershed was going to be distributed to all schools.

Contributions Cllrs. M. O' Brien, T. Maher, A.M. Irish, P. Crowley, P. Cuddihy, J. Coonan, T. Breathnach and P. Millea.

At this juncture members discussed the motion before them regarding the proposed conversion of a long term debt of €7,100,000 in to Ordinary Share Capital and Premium of equivalent amount.

John Dempsey Head of Finance responded to a number of questions put to him querying the reason behind the motion, the implications of passing such a motion and of how the possible passing of this motion would reflect in the accounts of Kilkenny County Council, Borough Council and the Local Authorities Leisure Complex accounts.

Following a full discussion on the proposal before the meeting it was Proposed by Cllr. M. O' Brien, Seconded by Cllr. T. Maher and resolved:- "That Kilkenny County Council hereby approves the conversion of Long Term Debt of €7,100,000 owing to it by Kilkenny Local Authorities Leisure Complex Ltd into Ordinary Share Capital and Premium of equivalent amount".

Contributions Cllr. P. Cuddihy, M. Brett, T. Maher, P. Millea, T. Breathnach, M. O' Brien, P. O' Neill, F. Doherty, A.M. Irish, S. Treacy.

(d) Housing - Tithíocht

Housing Report for First Quarter 2011
Item Deferred.

Construction of a group housing scheme consisting of 10 single storey dwellings, community centre, playground, re-alignment of 140m of County Road L6696-13 and associated site works at Wetland/Poulgour, Co. Kilkenny

John McCormack Director of Services confirmed to the meeting that the Minister had approved the redevelopment of the St. Catherine's Halting Site and it was the intention of Kilkenny County Council that pending the passing of this resolution, the Council would proceed with the proposed development in accordance with the plans made available for public inspection. Subject to the above, it was likely that the Council would be going to tender in the Autumn.

Members contributing expressed their satisfaction that progress had been made on this issue.

Proposed by Cllr. M. Noonan, Seconded by Cllr. J. Coonan and resolved: - "That Kilkenny County Council proceed with the construction of a group housing scheme consisting of 10 single storey dwellings, community centre, playground, re-alignment of 140m of County Road L6696-13 and associated site works at Wetland/Poulgour, Co. Kilkenny in accordance with the report put before the meeting of Monday 18th April, 2012.

3. Urgent Correspondence - Comhfhreagras Práinneach

None

4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo:

None

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:

Schedule of meetings for April -June - Agreed.

6. Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:

(a) Report on SPC 1 Forward Planning & Development Strategic Policy Committee Meeting held on 25th November, 2010 This report was presented by Cllr. M. Shortall. Issues for consideration:-

- A presentation was made on the provisions of the new Planning and Development (Amendment) Act 2010.
- Taking in Charge Protocol
- Detailed Strategy Update

(b) Report of Kilkenny Electoral Area Committee Meeting held on 1st March, 2011. This report was presented by Cllr. J. Coonan. Issues for consideration:-

- Copies of the Roadwork's Scheme 2011 for the Kilkenny Electoral area were circulated at this meeting.
- The members were informed regarding the Kilkenny Area Action Plan and that a draft report on the action plan would be provided to members for discussion.
- Schedule of dates for 2011 agreed.
- Various notices of motions and issues pertaining to the Kilkenny Electoral Area were also raised.

(c) Report of Thomastown Electoral Area Meeting held on 8th March, 2011 This report was presented by Cllr. Pat O' Neill
Issues for consideration:-

- Roadwork's Scheme 2011
- Current prioritised local improvement scheme list for Thomastown was circulated.
- Discussion took place regarding possible works at Gowran GAA club.

During discussions on this agenda item queries were raised regarding the stage of the Flood Relief Scheme for Graignamanagh, Thomastown and Callan. Members raising the issue stated the need for ongoing funding from the OPW for same.

J. Crockett County Manager informed the meeting that he would ask Mr. J. Mulholland to present a report at the May meeting of Kilkenny County Council updating members as to the progress of the flood relief schemes and outlining the ongoing contact between Kilkenny County Council and the OPW on these matters.

Contributions Cllrs. T. Prendergast, P. O' Neill, T. Maher and M. Noonan.

(d) Report on SPC 5 Meeting Arts, Culture, Heritage, Tourism and Education Meeting held on 16th March, 2011

Report presented by Cllr. J. Brennan. Issues for consideration:-

- Heritage update was given by Dearbhala Ledwidge Heritage Officer
- An update was given on the Butler Gallery by Ms. Evelyn Graham. It was also noted that the Gallery had received a gift from Jane O'Malley

widow of Tony O' Malley who as donated a significant portion of his collection to the gallery.

- Alcohol Bye Laws will be referred to the next Joint Policing Committee Meeting
- Update on the Recreation Facility Community Grant scheme given by John McCormack.
- Update on the Age Friendly County Programme given by John McCormack.
- Congratulations were given by the committee to Ann Phelan on her success in being elected to Dail Eireann. Ann Phelan TD had been chair of this committee for 5 years.

(e) Report on Strategic Policy Committee No. 2 Infrastructure, Transportation, Water Services & Other Policy Issues held on Friday 25th March, 2011

Report was presented by Cllr. P. Millea. Issues for consideration:-

- The Kilkenny Road Safety Plan 2007-2012. Review was circulated at that meeting.
- The level of local discretion regarding the road grant scheme was outlined by Mr. J. Mulholland.

Following a discussion it was proposed by Cllr. M. Doran, Seconded by Cllr. M. Noonan and agreed "That the committee recommends that the Council write to the Department of Transport requesting that the flexibility afforded to the local authority in relation to restoration improvement and restoration maintenance grant be restored to local authorities".

- Project management guidelines where major new road infrastructure were circulated at the meeting.
- It was agreed that a meeting would take place with Council officials and IFA representatives to discuss co-operation from the farming community can be availed of by the Council with regard to drainage works. This meeting has taken place.

7. Other Business set forth in the Notice convening the Meeting - Gnó Eile romhainn i bhFógra reachtála an Chruinnithe
None.

8. Education & Training

Conferences – Request for approval to attend as per circulated list. Proposed by Cllr. P. O' Neill, Seconded by Cllr. P. Millea and agreed.

Summary of proceedings at Conferences have been received from

| Councillor | Date of Conference | Title of Conference |
|-------------------|--|---|
| Matt Doran | 4 th -6 th March | Employment Law & Insurance Issues |
| Pat Dunphy | 18 th -20 th March | Effective Time & Priority Management |
| Fidelis Doherty | 24 th -25 th March | Rebuilding Confidence in Urban & Rural Communities. |

9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí

None

10. Any Other Business - Aon Ghnó Eile

None.

11. Notices of Motion - Fógraí Rúin:

5(11) Cllr. Malcolm Noonan

“That Kilkenny County Council would call on Government to recognise Travellers as a distinct ethnic group as recommended by the UN Committee for the Elimination of Racial Discrimination, thereby bringing the traveller community into the ambit of various protections in international agreements and within the Irish state”.

Deferred

6(11) Cllr. Malcolm Noonan

“In light of the accident at the Fukushima Nuclear Power Plant in Japan, that Kilkenny County Council calls upon the Irish Government to object to the British Government over the construction of its new generation of nuclear power plants on the west coast of Britain.”

Deferred

It was noted that in the minutes of the March meeting a notice of motion put down by Cllr. T. Breathnach Reference No. 3(11) is recorded as having been withdrawn.

This motion was actually deferred and it was agreed it appear on the Agenda for the May meeting.

12. Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:

6(11) Monaghan Town Council.

“That this Council calls on the newly elected Government and particularly it’s Taoiseach to ensure the preservation of our first official language and promote its prominence in the education system”.

Noted

7(11) Monaghan Town Council

“Due to the substantial exodus of our people as a result of our country’s employment crisis, that the incoming Government would instigate a system of granting the Irish Diaspora the right to vote in Irish Elections”.

Noted

8(11) Leitrim County Council

“I ask Leitrim County Council to write to the Minister for Education and Skills, Mr. Ruairi Quinn not to introduce the proposed changes to the Primary School Transport Scheme arising from the last Budget 2011. These changes will impose considerable financial hardships and inconvenience on parents and pupils living in rural areas”.

Noted

9(11) Leitrim County Council

“I seek the support of my fellow councilors in asking that Leitrim County Council write to the Minister for Finance, Mr. Michael Noonan requesting that he meet with representatives of the Quinn Group at the earliest opportunity in order that they may present their proposal concerning Quinn Insurance for the safe guarding of almost 6,000 jobs for this region and the potential creation of an additional 1,800 jobs over the next 7 years”.

Noted.

This concluded the business of the meeting.

Signed: _____
Cathaoirleach

Date: _____

